

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT CLEVELAND**

**PATRICIA BANUS**

CASE NO: 1:17-CV-02132

Plaintiff,

JUDGE JAMES S. GWIN

v.

**WHOLE FOODS MARKET GROUP,  
INC.,**

Defendant.

**PLAINTIFF’S MOTION FOR  
EXTENSION OF TIME TO FILE  
RESPONSE TO DEFENDANT’S  
MOTION TO STAY OR TRANSFER  
PURSUANT TO THE FIRST-TO-FILE  
RULE**

Plaintiff Patricia Banus (“Plaintiff”), individually and on behalf of all others similarly situated, through counsel, moves this Court for an order permitting Plaintiff an extension of time to file Plaintiff’s Response to Defendant, Whole Foods Market Group, Inc.’s Motion to Stay or Transfer Pursuant to the First-to-File Rule (Doc #12). The reasons for Plaintiff’s Motion are fully contained in Plaintiff’s Memorandum in Support of Motion for Extension of Time to File Response to Defendant, Whole Foods Market Group Inc.’s Motion to Stay or Transfer Pursuant to the First-to-File Rule, filed herewith.

WHEREFORE, Plaintiff Patricia Banus, individually and on behalf of all others similarly situated, requests until January 11, 2018 to file Plaintiff’s Response to Defendant, Whole Foods Market Group, Inc.’s Motion to Stay or Transfer Pursuant to the First-to-File Rule and for all other relief this Court may deem just and proper.

Respectfully submitted,

/s/Brian D. Flick, Esq.  
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**PLAINTIFF'S MEMORANDUM IN SUPPORT OF  
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO DEFENDANT,  
WHOLE FOODS MARKET GROUP INC.'S MOTION TO STAY OR TRANSFER  
PURSUANT TO THE FIRST-TO-FILE RULE**

Plaintiff Patricia Banus, individually and on behalf of all others similarly situated, ("Plaintiff"), through Counsel has filed her Motion for Extension of Time to file her Response to Defendant Whole Foods Market Group Inc.'s Motion to Stay or Transfer Pursuant to the First-to-File Rule until January 11, 2018. This is Plaintiff's first request for an extension to time to respond to a pleading.

Plaintiff is requesting a brief extension of seven days to respond to Defendant's Motion to Stay or Transfer Pursuant to the First-to-File Rule. Due to the holidays and previously-scheduled time off, Counsel for Plaintiff requires additional time to file a response. Furthermore, Plaintiff's counsel has spent time working with counsel for Defendant on a Joint Report of Parties' Planning Meeting (Doc #13), which was filed December 28, 2017, in advance of the January 4, 2018 Case Management Conference. In light of the above, Plaintiff's Counsel is requesting an additional seven (7) day extension, to and including January 11, 2018, to brief the issues raised in Defendant's Motion to Stay or Transfer Pursuant to the First-to-File Rule.

WHEREFORE, Plaintiff Patricia Banus, individually and on behalf of all others similarly situated, requests until January 11, 2018 to file Plaintiff's Response to Defendant, Whole Foods Market Group, Inc's Motion to Stay or Transfer Pursuant to the First-to-File Rule and for all other relief this Court may deem just and proper.

Respectfully submitted,

/s/Brian D. Flick, Esq.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 29<sup>th</sup>, 2017, a copy of the foregoing Plaintiff's Motion for Extension of Time to File a Response to Defendant's Motion to Stay or Transfer Pursuant to the First-to-File Rule, and Plaintiff's Memorandum In Support was served upon counsel of record in this case via the U.S. District Court CM/ECF System pursuant to Local Rule.

/s/Brian D. Flick, Esq

Marc E. Dann, Esq.  
Brian D. Flick, Esq.  
Tom Zimmerman, Esq.

*Counsel for Plaintiff and the Class*